

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSHUA LATHAM,

Plaintiff,

v.

GIPSON, *et al.*,

Defendants.

Case No. 1:24-cv-01428-KES-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO PROCEED *IN FORMA PAUPERIS* AS
MOOT
(ECF No. 2)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS BE DENIED
(ECF No. 6)

Plaintiff Joshua Latham ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On November 21, 2024, Plaintiff filed a motion to proceed *in forma pauperis*. (ECF No. 2.)

On December 2, 2024, the undersigned issued findings and recommendations recommending that Plaintiff's application to proceed *in forma pauperis* be denied and that Plaintiff be required to pay the \$405.00 filing fee in full to proceed with this action. (ECF No. 6.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) Plaintiff filed objections to the findings and recommendations on December 11, 2024. (ECF No. 8.)

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1 Plaintiff then paid the \$405.00 filing fee in full on February 24, 2025.¹ As the filing fee
2 has been paid in full, Plaintiff's motion to proceed *in forma pauperis* is now moot. Plaintiff's
3 complaint will be screened in due course.

4 Accordingly, IT IS HEREBY ORDERED as follows:

- 5 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 2), is DENIED as moot; and
- 6 2. The findings and recommendations to deny Plaintiff's motion to proceed *in forma*
7 *pauperis*, (ECF No. 6), are VACATED.

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9 IT IS SO ORDERED.

10 Dated: February 25, 2025

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
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28 ¹ On February 24, 2025, the Clerk of the Court docketed "RECEIPT Number 100004617:
\$405.00 for Civil Filing Fee from Joshua Latham, G48528."